

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

ARNULFO REYES, Individually;

FEDERICO TORRES, JR., Individually
and as Wrongful Death Beneficiary of
R.T., deceased minor;

AZENETH RODRIGUEZ, Individually
and as Next Friend of J.A.C., a minor;

SERGIO GARCIA, Individually and as
Wrongful Death Beneficiary of U.S.G.,
deceased minor;

ALFRED GARZA, III, Individually and as
Wrongful Death Beneficiary of A.J.G.,
deceased minor;

BRIANA RUIZ Individually and as Next
Friend of D.G., III, a minor;

MARIO JIMENEZ, JR., Individually and
as Next Friend of M.J., III, a minor;

ROSE MARY MORENO, Individually and
as Next Friend of N.M., a minor;

PRISCILLA RUBIO and JULIO RUBIO,
Individually and As Next Friends of M.R.,
a minor;

MONICA ARRIOLA Individually and as
Next Friend of J.T., Jr., a minor;

CHRISTOPHER SALINAS Individually
and as Next Friend of S.N.S., a minor,

Plaintiffs

vs.

DANIEL DEFENSE, LLC;

DANIEL DEFENSE HOLDINGS, LLC;

Case No. 2:24-cv-00073-AM

**MOTION TO FILE AMENDED
COMPLAINT**

M.C. DANIEL GROUP, INC.;
FIREQUEST INTERNATIONAL, INC.;
FLASH CO., INC.;
PROJECT ECHO HOLDINGS, LLC d/b/a
AMERICAN HOLOPTICS;
KOUCAR MANAGEMENT, LLC;
and
OASIS OUTBACK, LLC
Defendants

PLAINTIFFS' OPPOSED MOTION TO FILE AMENDED COMPLAINT

Defendants removed this case to federal court. ECF No. 1. Attached to the notice of removal is Plaintiffs' petition from state court. ECF No. 1-3. Plaintiffs request the Court allow them to file an Amended Complaint.

The Court should freely give leave to amend complaints when justice so requires. Fed. R. Civ. P. 15(a)(2). A party may amend its complaint where the opposing party consents. *Id.* Absent an apparent or declared reason, "the leave sought should, as the rules require, be 'freely given.'" *Foman v. Davis*, 371 U.S. 178, 182 (1962). The language of the rule evidences a bias in favor of granting leave to amend. *Lyn-Lea Travel Corp. v. Am. Airlines, Inc.*, 283 F.3d 282, 286 (5th Cir. 2002); *see also Dussouy v. Gulf Coast Inv. Corp.*, 660 F.2d 594, 597–98 (5th Cir. 1981). Thus, the "district court must have a 'substantial reason' to deny a request for leave to amend." *Lyn-Lea Travel Corp.*, 283 F.3d at 286.

Here, the plaintiffs do not seek this amendment to unduly delay the case, in bad faith, or any other reason except to better prepare its responsive pleadings to Defendants motions to dismiss. *See Foman*, 371 U.S. at 182.

Thus, Plaintiffs request that the Court enter an order allowing Plaintiffs to amend their complaint. Plaintiffs have attached the proposed complaint as Exhibit A.

CERTIFICATE OF CONFERENCE

The undersigned met and conferred with counsel of record for Defendants. Counsel for Defendants oppose Plaintiffs requested relief.

Respectfully Submitted,

/s/ Jamal Alsaffar

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